

August 25, 1954
Letter Opinion
No. 54-218-L

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Mrs. Daniel Duffy, Secretary
Juvenile Conference Committee
Rochelle Park, New Jersey

Re: Juvenile Delinquency

Dear Mrs. Duffy:

This is in reply to your recent letter concerning the Arizona statutes on juvenile delinquency.

This office handles very little, if any, juvenile problems, but we will attempt to give you the pertinent statutes relating to juveniles. The following is a copy of our statute regarding juveniles and the setting up of the juvenile court:

"43-1001. Contributing to dependency--Penalty, jurisdiction--Procedure.--Any person who shall cause, encourage, or contribute to, the dependency or delinquency of a child, as these terms are defined by law, or who shall for any cause be responsible therefor, shall be guilty of a misdemeanor, and be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment.

The superior court shall have original jurisdiction of any prosecution hereunder, which shall be begun by information signed by the county attorney or by any probation officer and sworn to by the officer signing the same or by any reputable resident of the county. Whenever such information is filed the court may examine the prosecuting officer or any witness, and if there is reasonable ground to believe the defendant guilty of the offense charged, it shall issue a warrant of arrest, which shall be addressed to include probation officers."

The definition of a juvenile is set forth in our statute, Section 43-1007, Arizona Code Annotated, 1939:

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"43-1007. Dependent person--Definition.--

(a) The words 'dependent person' shall mean any person under the age of eighteen (18) years;

1. Who is found begging, receiving or gathering alms, whether actually begging or under the pretext of selling or offering anything for sale;

2. Who is found in any street, road or public place for the purpose of begging, gathering or receiving alms;

3. Who is a vagrant;

4. Who is found wandering and not having any home, or any settled place of abode, or any proper guardianship, or any visible means of subsistence;

5. Who has no parent or guardian willing to exercise, or capable of exercising proper parental control;

6. Who is destitute;

7. Whose home, by reason of neglect, cruelty, or depravity of his parents or either of them, or on the part of his guardian, or on the part of the person in whose custody or care he may be, is an unfit place for such person;

8. Who frequents the company of reputed criminals, vagrants, or prostitutes;

9. Who is found living or being in any house of prostitution or assignation;

10. Who habitually visits, without parent or guardian, any saloon, or place where any spirituous, vinous or malt liquors are sold, bartered or given away;

11. Who persistently refuses to obey the reasonable and proper orders or directions of his parent or guardian;

12. Who is incorrigible, that is, beyond the control and power of his parents, guardian or custodian by reason of the vicious conduct or nature of said person;

13. Whose father is dead or has abandoned his family or is an habitual drunkard, or whose father or mother does not provide for such person, and it appears that such person is destitute of a suitable home or of adequate means of obtaining an honest living, or who is in danger of being brought up to lead an

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idle, dissolute and immoral life; or where both parents are dead, or the mother or father, if living is unable to provide proper support and care of such person;

14. Who, being under eighteen (18) years of age, habitually visits, without parent or guardian, any billiard room or pool room;

15. Who, being not over the age of fourteen (14) years, refuses to attend public or private school, as directed by his parent, duly authorized guardian or legal custodian;

16. Who habitually uses intoxicating liquor as a beverage or habitually smokes cigarettes or who uses opium, cocaine, morphine or any other similar drug, without the direction of a competent physician;

17. Who from any cause is in danger of growing up to lead an idle, dissolute or immoral life.

(b) The words 'delinquent person' shall include any person under the age of eighteen (18) years who violates any law of this state, or any ordinance of any town, city, or county, of this state, defining crime.

(c) The term 'delinquency' shall mean any act which tends to debase or injure the morals, health or welfare of a child."

Then by statute it is made a misdemeanor to contribute to the delinquency of a minor, and it is stated that the statutes shall be liberally construed in favor of the state.

Our legislature in 1954 passed a financial responsibility law relating to the liability of an owner or donor of a car, for the negligence or wilful misconduct of an unlicensed minor under 18, making such owner or donor liable jointly and severally with the minor.

After consulting with both the Maricopa County Probation Office and the Phoenix City Police, it seems to be the consensus of opinion that our juvenile statutes are inadequate; that the enforcement of such statutes are difficult; that the penalty for offenses should be made more serious, and above all the penalty should be increased in regard to the parents of juveniles, and to those who contribute to the delinquency of a minor.

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The City of Phoenix has a 10:00 P.M. curfew in the summer, and during the school year, it is 9:00 P.M., but these relate to those under 16, whereas the bulk of the trouble seems to be from those over 16.

We hope that the above will be of benefit to you. Please feel free to call upon us for any further information you may need.

Sincerely,

JOHN M. MCGOWAN
Chief Assistant
Attorney General

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